

Application No.: 09/581,021

Docket No.: 21776-00050-US

**REMARKS**

Claims 1, 47-60 and 62-70 are pending in the application. Favorable reconsideration of the application is requested.

The Supplemental Amendment filed July 2, 2003 has been re-filed on August 22, 2003, and is believed to avoid the issues raised in the Final Rejection. A copy of the Supplemental Amendment is enclosed for the Examiner's convenience.

The acknowledgement of priority is noted in the Office Action. However, the requirement for translation of the priority document is not understood since applicants have not relied upon the priority document to overcome any specific reference which has been used to reject the application.

Withdrawal of the rejection of claims 1 and 47-70 under 35 U.S.C. § 112 is respectfully requested. The claims have been further amended to avoid some of the issues raised in the Office Action. All of the claims have been reviewed and most contain at least some amendments for clarification. It is noted that objection has been taken to the terms "a goods dealing apparatus making a bargain for goods". It is clear that the Applicants have disclosed apparatus for buying and selling goods, particularly those which decrease in value, such as flowers as exemplified in the specification, as the goods dealing apparatus.

The claims recite the fact that both buyers and sellers have terminal devices which supply information for making a sale of goods. A cross dealing, referred to in the application, is basically a sale concluded from buyer and seller information. Amendments have been made to the claims to clarify such terms as "executing processing of a dealing". The assertions made in the Office Action regarding these terms are essentially correct, in that the system offer a way to establish a sale between buyers and sellers based on information received from each.

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Withdrawal of the rejection of claims 1 and 47-70 under 35 U.S.C. § 101 is requested. The assertion that the claims merely manipulate data, but do not perform any concrete use for tangible result is not sustainable in light of the literal language of the amended claims. For instance, claim 1 is directed to an apparatus for buying and selling goods. This is a limitation which does provide a concrete result, based on the ability to take sellers information and buyers information, and to establish a bargain when there is agreement with each parties information. More specifically, the claim permits the buying and selling goods to occur over a period of time, where the goods may steadily depreciate in value, but sales may nevertheless take place because the buyers and sellers have altered there terms in the face of such changes in market value.

Additionally, the claims all require that there be terminals at the buyers and sellers location. These features are limitations which must be given weight in determining whether or not the subject matter is patentable under 35 U.S.C. § 101. The fact that the process is carried out using such hardware would in itself taken out of the category of mere data manipulation.

Withdrawal of the rejection of claims 1, 47-70 under 35 U.S.C. § 102(b) as being anticipated by Walker et al. (U.S. Pat. No. 5,794,207) is requested. The present invention, as set forth in the rejected claims, provides a system which can sell goods where pieces of buying information can be correlated with end pieces of selling information to obtain a sale. At the time of the sale, any unsold goods can be reoffered for sale, under different conditions, such as a lower price, and result in a sequential sale of the remaining unsold goods. Thus, sellers make a deal with goods repeatedly until the dealing reaches an end, and either there are no more products to purchase, or the critical date has passed in which the products have value.

In order to carry out the foregoing process, the present invention, as exemplified by claim 1, includes information from the either the seller or the buyer regarding the expected selling date. With this information, second dealing processing means are provided to sequentially conclude a plurality of sales. The selling information is arranged based on selling conditions for unsold goods, and this information is collated with buyers information so that a subsequent sale can take place when selling conditions and buying conditions are in agreement.

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Turning now to the Walker et al. patent (U.S. Pat. 6,112,185), a system is disclosed where a buyer is able to upgrade an airline ticket. The buyer can offer a conditional purchase price, and various sellers can communicate with a buyer to accept the price or not. Once an acceptance is ratified by the buyer, the sale is concluded. This results in a single buyer making a transaction or bargain with one of the sellers. The process is, in accordance with the Applicants' opinion, a one to N transaction, in which there is one offer from one buyer and plural N pieces of selling information from one or more sellers responsive to the order.

The present invention, however, discloses an M to N transaction in which M plural pieces of buying information from plural buyers and N plural pieces of selling information from plural sellers are used to form a deal for unsold goods.

It is not seen where Walker et al. (U.S. Pat. No. 6,112,185), contemplates a second processing means as set forth in the independent claims rejected in the Final Rejection. The ability to continue making deals with unsold goods, until all the goods are sold, or a date passes in which the goods value has been lost, is not disclosed or suggested in Walker et al. (U.S. Pat. No. 6,112,185). A reference which fails to show a second dealing processing means can not, therefore, anticipate the present invention.

Withdrawal of the rejection of the claims under 35 U.S.C. § 103, as being obvious in view of Walker et al. (U.S. Pat. No. 6,112,185) and Ordish et al. (EP 0434224 A2) is requested. The Ordish et al. (EP 0434224 A2) reference fails to disclose any type of system for providing sequential deals on unsold goods which reduce in value after a passage of time. Further, there does not appear to be in Ordish et al. (EP 0434224 A2) any disclosure of information which is date sensitive, so that deals can be made where date is a fundamental term of the agreement.

Ordish et al. (EP 0434224 A2), shows how two different types of buying and selling systems may be combined. Specifically, Ordish et al. (EP 0434224 A2) has combined two different types of systems, a system for negotiating trades via video conversational hardware, and a system for providing an automatic matching trade, wherein an agreement is made based on information submitted by buyers and sellers.

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Accordingly, Ordish et al. (EP 0434224 A2) cannot supply to Walker et al. (U.S. Pat. No. 6,112,185) the necessary elements to render the instant claims obvious. As noted above, the instant claims require a second processing means for carrying out subsequent sales of unsold goods, where time is a critical element in the sale.

The combination of the two references is not suggested in either reference, and may not be possible. Ordish et al. (EP 0434224 A2) does not deal in airline tickets, as Walker et al. (U.S. Pat. No. 6,112,185) does, and therefore it is unclear how the two references could be combined. Alternatively, Walker et al. (U.S. Pat. No. 6,112,185) does not deal in financial products and it isn't seen how Walker et al. (U.S. Pat. No. 6,112,185) and Ordish et al. (EP 0434224 A2) could be combined to provide a system that deals in financial products.

In conclusion, the combination of references is not believed to be reasonable given the nature of the respective goods.

The present application includes numerous claims which contain other limitations not shown or described in either reference. For instance, claim 48 requires that the second dealing processing means determine a processing order of selling information. Additionally, claim 49 identifies the processing means as having a C1 and C2 processing function representing relatively easy terms of sale and relatively difficult terms of sale.

Claim 51 includes first and second cluster formation means for gathering various information from buyers and sellers. It is submitted that neither reference appears to describe such first and second cluster formation means.

Claim 55 requires that there be a distribution cost table which is transmitted to a buyers terminal in response to a purchase request. This type of information is not suggested in either the Walker et al. (U.S. Pat. No. 6,112,185) or the Ordish et al. (EP 0434224 A2) reference, which deal airline tickets and financial instruments.

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Claim 58 requires that there be transmit information sent to confirm an amount of goods to be sold before confirmation of a sale. Further, additional information is sent to the first dealing processing means, and/or the second dealing processing means once confirmation of the amount of goods is received. The ability to confirm the amount of goods as set forth in claim 58 is not suggested in either reference.

It is submitted that the claims which contain these features are additionally distinguished from the references and are allowable.

It is requested that the Examiner consider the foregoing, and should there be any further cooperation which would expedite prosecution of this subject matter, the Examiner is urged to contact the undersigned at the telephone number below.

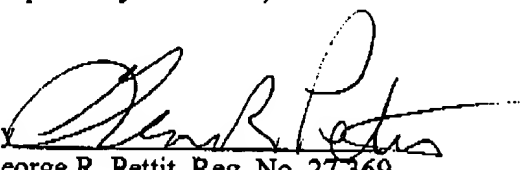
Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 21776-00050-US from which the undersigned is authorized to draw.

Dated:

2/4/04

Respectfully submitted,

By



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(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Patent Application of:  
Toshiya TAKEKUMA et al.

Application No.: 09/581,021

Filed: June 8, 2000

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For: GOODS DEALING APPARATUS, GOODS,  
DEALING SYSTEM, GOODS DEALING  
METHOD, AND STORAGE MEDIUM

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FEB 03 2004

Group Art Unit: 3627

Examiner: E. Gort

**OFFICIAL****AMENDMENT IN RESPONSE TO NON-FINAL OFFICE ACTION**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**INTRODUCTORY COMMENTS**

In response to the Office Action dated January 2, 2003 (Paper No. 5), please amend the above-identified U.S. patent application as follows:

**SUMMARY OF AMENDMENTS****SPECIFICATION**

- ☐ There are no amendments to the specification.
- ☒ Kindly replace the originally filed specification with the attached Substitute Specification.

**CLAIMS**

- ☐ There are no amendments to the claims.
- ☒ A complete listing of all claims ever present in this case in ascending order with status identifier is presented in a separate section.

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**CHANGES TO THE SPECIFICATION**

Kindly replace the originally filed specification with the attached Substitute Specification.

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**COMPLETE LISTING OF CLAIMS**  
**IN ASCENDING ORDER WITH STATUS INDICATOR**

Kindly cancel claims 2-25-46, without prejudice or disclaimer.

1. A goods dealing apparatus connected to plural seller's terminal devices and plural buyer's terminal devices through a computer network, and making a bargain for goods based on selling information and buying information for dealing goods which lose their values after a period of time, which are output from said plural seller's terminal devices and said plural buyer's terminal devices, comprising:

first dealing processing means for executing a cross deal by pre-engagement based on said buying information including desired buying date information output from said buyer's terminal devices based on selling information including expected selling date information output from said seller's side terminal devices; and

second dealing processing means for executing processing of a dealing in which a conclusion is sequentially made with every agreement between said buying information and said selling information after collating pieces of selling information on unsold goods among selling information output from said seller's terminal devices, and pieces of buying information output from said buyer's terminal devices.

Kindly add new claims 47-70 as follows:

47. The goods dealing apparatus according to claim 1, further comprising:  
a copying processing means for proceeding the selling information on unsold goods among the selling information output from said seller's terminal devices to goods to be processed for dealing through said second dealing processing means after executing processing of a cross deal by pre-engagement through said first dealing processing



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means.

48. The good dealing apparatus according to claim 1, wherein said second dealing processing means determines a dealing processing order of the selling information based on conditions of a selling information processing order to determine the processing order for said plural selling information, and determine a dealing processing order of the buying information based on conditions of a buying information processing order to determine a processing order for said plural buying information corresponding to each selling information in the determined dealing processing order of the selling information, and execute sequentially dealing processing.

49. The goods dealing apparatus according to claim 1, wherein said second dealing processing means include a C1 dealing processing function based on buying information with relatively easy conditions, and a C2 dealing processing function based on buying information with more rigorous conditions than the C1 dealing processing; and wherein the C1 dealing processing is executed after buying conditions are relaxed for the buying information unsold with said C2 dealing processing.

50. The goods dealing apparatus according to claim 1, further comprising: third dealing processing means for executing dealing in unsold goods which result from either processing of said first dealing processing means or said second dealing processing means,

wherein said third dealing processing means classify and display the unsold goods as goods to be excluded from sale and as goods to be sold.

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51. A goods dealing apparatus connected to plural seller's terminal devices and plural buyer's terminal devices through a computer network, and making a conclusion of a bargain for goods based on selling information and buying information for dealing the goods which reduce in value after a period of time, which are output from said plural seller's terminal devices and said plural buyer's terminal devices, comprising:

dealing processing means for executing processing of a cross deal by pre-engagement based on said buying information including requested buying date information output from said buyer's terminal devices and/or based on selling information including expected selling date information output from said seller's terminal devices;

first cluster formation means for forming clusters of buying information of the same buying conditions in plural pieces of said buying information;

second cluster formation means for forming clusters of selling information which meet selling conditions corresponding to the respective clusters of said buying information in plural pieces of selling information; and

dealing contract making means for making bargain by linking selling information with buying information between the clusters formed by said first cluster formation means and the corresponding clusters formed by said second cluster formation means based on a predetermined processing order for the clusters of said buying information or a predetermined processing order for the clusters of said selling information.

52. The goods dealing apparatus according to claim 51, wherein conditions for determining clusters by said first cluster formation means and said second cluster formation means are divided into plural levels; and

wherein said dealing contract making means executes processing for making a bargain between the buying information cluster formed by said first cluster formation means and the selling information cluster formed by said second cluster formation means having the same level as the level of the buying information cluster.

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53. A goods dealing apparatus connected to plural seller's side terminal devices and plural buyer's side terminal devices through a computer network, and making a bargain for goods based on selling information and buying information for dealing the goods which lose their values after passage of a period of time, which are output from said plural seller's terminal devices and said plural buyer's terminal devices, comprising:

dealing processing means for executing processing of a cross deal by pre-engagement based on buying information including requested buying date information output from said buyer's terminal devices and/or based on selling information including expected selling date information output from said seller's terminal devices;

buying information readout means for determining a processing order for said plural pieces of buying information based on predetermined conditions, and reading out respective buying information in the determined order;

cluster formation means for forming clusters of selling information having the same conditions as the buying conditions contained in the readout buying information; and

dealing contract making means for making a bargain by linking respective selling information contained in the clusters of the selling information formed by said cluster formation means with said buying information.

54. A goods dealing apparatus connected to plural seller's terminal devices and plural buyer's terminal devices through a computer network, and making a bargain for goods based on selling information and buying information for dealing the goods which lose their values after passage of time, which are output from said plural seller's terminal devices and said plural buyer's terminal devices, comprising:

dealing processing means for executing a cross deal by pre-engagement based on buying information including requested buying date information output from said buyer's terminal devices and based on selling information including expected selling date

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information output from said seller's terminal devices;

selling information readout means for determining processing order for said plural pieces of selling information based on predetermined conditions, and reading out respective selling information in the determined order;

cluster formation means for forming clusters of the buying information having the same conditions as the selling conditions contained in the readout selling information; and

dealing contract making means for making a bargain by linking respective buying information contained in the clusters of the buying information formed by said cluster formation means with said selling information.

55. A goods dealing apparatus connected to plural seller's terminal devices and plural buyer's terminal devices through a computer network, and making a bargain for goods based on selling information and buying information for dealing the goods which lose their value after passage of a period of time, which are output from said plural seller's terminal devices and said plural buyer's terminal devices, comprising:

dealing processing means for executing processing of a cross deal by pre-engagement based on said buying information including requested buying date information and arrival place information output from said buyer's terminal devices and/or based on selling information including expected selling date information and shipping place information output from said seller's terminal devices; and

distribution cost table defining each distribution cost for every shipping place and arrival place,

wherein information including distribution costs defined in said distribution cost table based on said shipping place information and arrival place information is transmitted to said buyer's terminal device when a dealing demand is issued from said buyer's side terminal devices to said selling information.

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56. A goods dealing system connected to plural seller's terminal devices, plural buyer's terminal devices, and at least a market management device through a computer network, and making a bargain for goods with said market management device based on selling information and buying information for dealing goods which lose their values after passage of time, which are output from said plural seller's terminal devices and said plural buyer's terminal devices,

said market management device, comprising:

first dealing processing means for executing a cross deal by pre-engagement based on buying information output from said buyer's terminal devices;

second dealing processing means for executing a cross deal by pre-engagement based on said selling information output from said seller's terminal devices; and

third dealing processing means for processing of dealing in which a bargain is concluded with every agreement between said buying information and said selling information after collating selling information on unsold goods among the selling information output from said seller's terminal devices and buying information newly output from said buyer's terminal devices, after executing processing of a cross deal by pre-engagement with said first dealing processing means and second dealing processing means.

57. The goods dealing system according to claim 56, wherein said market management device further comprises third dealing processing means for executing dealing in unsold goods resulting from at least either said first dealing processing means or second dealing processing means,

said third dealing processing means classifying the unsold goods as goods to be excluded and as goods to be sold.

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58. The goods dealing system according to claim 57, wherein said market management device further comprises pre-confirmation dealing processing means for executing a pre-confirmation deal based on forecast information before confirmation of the amount of goods to be received,

wherein said seller's terminal devices

transmit forecast selling information to said pre-confirmation deal processing means before confirmation of the amount of the goods to be received,

transmit selling information to said first dealing processing means and/or said second dealing processing means after confirmation of the amount of the goods to be received, and

transmit selling information for the goods to be sold to said third dealing processing means when unsold goods result from at least any processing among said pre-confirmation dealing processing means, the first dealing processing means, and the second dealing processing means.

59. A goods dealing method using a goods dealing apparatus connected to plural seller's terminal devices and plural buyer's terminal devices through a computer network, and making a bargain for goods based on selling information and buying information for dealing of the goods which lose their values after a period of time, which are output from said plural seller's terminal devices and said plural buyer's terminal devices, comprising:

a first dealing processing step for executing a cross deal by pre-engagement based on buying information including desired buying date information output from said buyer's terminal devices and/or based on selling information including expected selling date information output from said seller's terminal devices; and

a second dealing processing step for executing a deal every time an agreement between said buying information and said selling information exists, after collating pieces of selling information on unsold goods among selling information output from said

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seller's terminal device or from selling information newly output from said seller's terminal devices, and pieces of buying information output from said buyer's terminal devices.

60. The goods dealing method according to claim 59, further comprising:  
a copying processing step for processing the selling information for unsold goods among the selling information output from said seller's terminal devices for dealing through said second dealing processing step after executing a cross deal by pre-engagement through said first dealing processing step.

61. The goods dealing method according to claim 59, wherein said second dealing processing step determines a processing order of the selling information based on conditions of selling information, and determines a processing order of the buying information based on conditions of buying information and executes dealing processing sequentially based on the processing order of said selling and buying information.

62. The goods dealing method according to claim 59, wherein said second dealing processing step includes a C1 dealing processing based on buying information with relatively easy conditions, and a C2 dealing processing based on buying information with more rigorous conditions than the C1 dealing processing; and

wherein the C1 dealing processing is executed after the C2 processing when conditions are relaxed for the buying information remaining after said C2 dealing processing.

63. The goods dealing method according to claim 59, further comprising:  
third dealing processing step for executing dealing in unsold goods after either processing of said first dealing processing step or said second dealing processing step;  
wherein said third dealing processing step classifies and displays the unsold goods

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as goods to be excluded from sale and as goods to be sold.

64. A goods dealing method using a goods dealing apparatus connected to plural seller's terminal devices and plural buyer's terminal devices through a computer network, and making a bargain for goods based on selling information and buying information for the goods which lose their value after a period of time, which are output from said plural seller's terminal devices and said plural buyer's terminal devices comprising:

- a dealing processing step for executing processing of a cross deal by pre-engagement based on said buying information including requested buying date information output from said buyer's terminal devices and/or based on selling information including expected selling date information output from said seller's terminal devices;

- a first cluster formation step for forming clusters of buying information under the same buying conditions included in plural pieces of said buying information;

- a second cluster formation step for forming clusters of selling information, which meet buying conditions corresponding to the respective clusters of said buying information, contained in plural pieces of selling information; and

- a contract making step for making a bargain by linking selling information with buying information between the clusters formed by said first cluster formation step and the corresponding clusters formed by said second cluster formation step based on a predetermined processing order for the clusters of said buying information or a predetermined processing order for the clusters of said selling information.

65. The goods dealing step according to claim 64, wherein conditions for determining clusters by said first cluster information step and said second cluster formation step are divided into plural levels; and

- wherein said contract making step executes processing for making a bargain



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between the buying information cluster formed by said first cluster formation step and the selling information cluster formed by said second cluster formation step having the same level as the level of the buying information cluster.

66. A goods dealing method using a goods dealing apparatus connected to plural seller's terminal devices and plural buyer's terminal devices through a computer network, and making a bargain for goods based on selling information and buying information for goods which lose value after passage of time, which are output from said plural seller's terminal devices and said plural buyer's terminal devices, comprising:

a dealing processing step for executing a cross deal by pre-engagement based on buying information including requested buying date information output from said buyer's terminal devices and/or based on selling information including expected selling date information output from said seller's terminal devices;

a buying information readout step for determining a processing order for said plural pieces of buying information based on predetermined conditions, and reading out respective buying information in the determined order;

a cluster information step for forming clusters of selling information having the same conditions as the buying conditions contained in the readout buying information; and

a contract making step for making a bargain by linking respective selling information contained in the clusters of the selling information formed by said cluster formation step with said buying information.

67. A goods dealing method using a goods dealing apparatus connected to plural seller's terminal devices and plural buyer's terminal devices through a computer network, and making a bargain for goods based on selling information and buying information for the goods which lose their values after passage of time, which are output from said plural seller's terminal devices and said plural buyer's terminal devices,

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comprising:

a dealing processing step for executing processing of a cross deal by pre-engagement based on buying information including requested buying date information output from said buyer's terminal devices and/or based on selling information including expected selling date information output from said seller's terminal devices;

a selling information readout step for determining a processing order for said plural pieces of selling information based on predetermined conditions, and reading out respective selling information in the determined order;

a cluster formation step for forming clusters of the buying information having the same conditions as the selling conditions contained in the readout selling information; and

a contract making step for making a bargain by linking respective buying information contained in the clusters of the buying information formed by said cluster formation step with said selling information.

68. A goods dealing step using a goods dealing apparatus connected to plural seller's terminal devices and plural buyer's terminal devices through a computer network, and making a bargain for goods based on selling information and buying information for dealing the goods which lose or reduce their values after passage of a period of time, which are output from said plural seller's terminal devices and said plural buyer's terminal devices, comprising:

a dealing processing step for executing a cross deal by pre-engagement based on said buying information including requested buying date information and arrival place information output from said buyer's terminal devices and/or based on selling information including expected selling date information and shipping place information output from said seller's terminal devices; and

a transmitting step for transmitting information including distribution costs referring to a distribution cost table defining each distribution cost for every shipping

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place and arrival place based on said shipping place information and arrival place information when a dealing start demand is issued to said selling information from said buyer's terminal devices.

69. A storage medium to store a computer program for a goods dealing apparatus connected to plural seller's terminal devices and plural buyer's terminal devices through a computer network, and making a conclusion of a bargain for goods based on selling information and buying information for the goods which lose their values after passage of time, which are output from said plural seller's terminal devices and said plural buyer's terminal devices, comprising:

a first dealing processing step for executing a cross deal by pre-engagement based on said buying information including requested buying date information output from said buyer's terminal devices and/or based on selling information including expected selling date information output from said seller's terminal devices; and

a computer readable storage medium storing a computer program to execute a second dealing processing step of a dealing in which an agreement is sequentially made with every agreement between said buying information and said selling information after collating pieces of selling information on unsold goods among the selling information output from said seller's terminal devices or selling information newly output from said seller's side terminal devices, and buying information output from said buyer's terminal devices.

70. A storage medium to store a computer program for a goods dealing apparatus connected to plural seller's terminal devices and plural buyer's terminal devices through a computer network, and making a bargain for goods based on selling information and buying information for goods which lose or reduce their value after passage of time, which are output from said plural seller's terminal devices and said plural buyer's terminal devices, comprising:

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a dealing processing step for executing processing of a cross deal by pre-engagement based on said buying information including requested buying date information output from said buyer's terminal devices and/or based on selling information including expected selling date information output from said seller's terminal devices;

a first cluster formation step for forming clusters of buying information under the same buying conditions included in the respective buying information, as to said plural pieces of said buying information;

a second cluster formation step for forming clusters of selling information which meet buying conditions corresponding to the respective clusters of said buying information, as to plural pieces of selling information; and

a computer readable storage medium to record a computer program for letting said goods dealing apparatus execute a dealing contract making step for making a conclusion of the bargain by linking selling information with buying information between the clusters formed by said first cluster formation step and the corresponding clusters formed by said second cluster formation step based on a predetermined processing order for the clusters of said buying information or a predetermined processing order for the clusters of said selling information.

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**REMARKS**

Claims 1, 47-70 are pending in the application. Favorable reconsideration of the application is requested.

Entry of the Substitute Specification is requested. No new matter has been inserted in the specification.

Withdrawal of the rejection of the claims under 35 U.S.C. § 112, is requested. The claims have been revised to conform to the present U.S. practice.

Withdrawal of the rejection under 35 U.S.C. § 101, is requested. The claims have been amended to reflect the concrete tangible result of concluding a bargain using computer process, computer apparatus and a computer product storing instructions for carrying out the process. The claims have been rewritten to comply with the U.S. Patent and Trademark Office guidelines for computer implemented inventions. As suggested in the Office Action, the system is now tied to computer apparatus operating over a network.

Withdrawal of the rejection of the claims under 35 U.S.C. § 103, as being unpatentable over Ordish (EP 0434224A2) is requested.

The present invention is directed to expeditiously buying and selling products which lose their value over time, such as flowers, produce, and other perishable items. This may also include tickets to a performance which once the performance date passes, become valueless.

The purchase and sale of perishable items is difficult as many bargains are made before the actual goods are ready for delivery and before inspection by an actual buyer or seller. It is clear, that products which are perishable over time can not be purchased and sold in the same manner that other general goods which retain their value are conveyed.

The present invention provides for an ability for a buyer and seller to reach an agreement with each other based on respective selling information, which the seller makes in the form of an

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offer, and buyer information in which the buyer can make in the form of an offer. When the two sets of information agree, it is possible that the bargain be completed.

The Ordish patent (EP 0434224A2), describes a system for dealing in goods which are not perishable over time, and otherwise maintain a value over time. The Ordish system provides a trading system for financial products, such as securities in a stock market. While the value of the security may be increasing or decreasing, buyers and sellers have the ability to watch the actual value of the security and decide when to place a trade for the security. The system requires a real-time matching of a buyers criteria, with an actual price for the device. Ordish includes a system for buying and selling using a video and telephone conversation between a seller and a buyer. A sale is made when the exchange rate or security price matches buyers price.

This is to be distinguished from a system in accordance with the present invention which provides for the sale and purchase of perishable products. The system, rather than buying financial products which vary in price, provides for transactions in products which lose their value over time. The Ordish system trades basically in paper, and not in any actual article, such as flowers, or other perishable items. Accordingly, the problems relating to distribution of the perishable items, the cost of delivery and distribution of these items, as set forth in the applicants claims are not addressed by the Ordish device. Thus, it is not equivalent to trade-in goods that change in value, upward and downward, such as securities, versus dealing in actual products which lose their value after a passage of time and have a zero value. The difference is that financial products almost always never have a particular time in by which they must be sold, whereas perishable goods are in fact traded with this consequence in mind.

As the products which are purchased and sold are different based on these conditions, so are the systems which are used to enable these transactions. For instance, with the present system, matching conditions are based on a respective required dealing date information for sellers and buyers which Ordish does not disclose or suggest. Further, the cost of delivery and distribution are not taken into account or used in any analysis of Ordish as they are in the presently claimed subject matter.

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It is requested that the Examiner reconsider the significance of Ordish in light of the foregoing observations. Also, the claims such as claim 49 provide for goods dealing, using two dealing processing functions C1 and C2, which are serially executed so that the remaining perishable products can be bargained for at different conditions.

Claim 49 provides for a third dealing processing means, for another level of bargaining before the goods actually perish to a zero value.

Claim 51 provides for the dealing to occur from clusters of information based on selling information and buying information. It is not seen where the clustering of such information is disclosed in Ordish.

Other claims incorporate these features and are also considered non-obvious as a result of such features. As it has been pointed out, certain claims such as claim 55 include a distribution cost as part of the information given to a buyer during the making of an offer for perishable goods.

It is submitted that these distinctions as are set forth in various claims render the subject matter unobvious from the Ordish reference.

In view of the foregoing, favorable reconsideration is requested. In the event the Examiner believes a interview would advance prosecution of this subject matter, he is urged to contact the undersigned at the telephone number below.

Dated: July 2, 2003

Respectfully submitted,

By 

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